

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

**Master-in-Equity
(Incumbent)**

Full Name: James Benjamin Jackson, Jr.

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1. Do you plan to serve your full term if re-appointed?

Yes.

2. Do you have any plans to return to private practice one day?

The Master-in-Equity for Orangeburg County is a part-time position, so I intend to continue practicing law on a part-time basis.

3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes.

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I believe that *ex parte* communications are inappropriate and should be avoided at all cost by any judge. I believe that there are very few circumstances under which *ex parte* communications could be tolerated, and those would only be situations where informal greetings are exchanged between the judge and only one of the parties. Even when this occurs, I believe it would be the duty of the judge to point this out on the record to the other party who is not present so that party can be apprised of the situation and make their own determination as to whether or not they should take any action as a result of the *ex parte* communication. Obviously, any *ex parte* communications by one party to the judge in regards to the case at hand cannot be tolerated.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I believe that recusal is not appropriate when lawyer-legislators appear before the Court. All judges have to deal with lawyer-legislators, and they need to be treated just like all lawyers are treated by each individual judge. I think that the judge should recuse himself when former associates or law partners appear before him regarding matters in which they were actively involved in the office when the judge was still practicing law. However, on matters that arose with a former associate or partner after the judge left the office, I believe do not require recusal because at some point, the judge is going to have to



deal in court with the former associates and partners, all of whom need to be treated like all other lawyers by the judge.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I would give great deference to any motion made by a party for my recusal. I believe that I would grant such motions most of the time because I believe that the system of justice works best when there is no appearance of impropriety by the judge.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I would accept no gifts or social hospitality from any individual lawyer.

8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a judge?

My obligation as a lawyer requires me to report any misconduct of any lawyer or any judge to the South Carolina Bar Association.

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated?

No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

I have helped raise funds for the Kiwanis Club of Orangeburg County of which I have been a member since 1982. I no longer raise funds for the club, although I remain an active member.

11. How do you handle the drafting of orders?

Because of the volume of cases handled by Masters-in-Equity in this state, most orders are drafted by one of the lawyers appearing before the court. I certainly read each order before I sign it to make sure that this was the decision I made in the case. However, there may be certain situations where I might draft my own order, and I would have no reluctance to do so in any case in which I deem that to be appropriate.

12. What methods do you use to ensure that you and your staff meet deadlines?

My staff and I keep appropriate calendars, notes and copies of dockets and keep up with orders or other documents that need to be presented by lawyers appearing before the court. My staff or I call lawyers to make sure that all orders that need to be submitted are done so on a timely basis.

13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

I believe that no judge should have any effect on setting or promoting public policy, and I am not involved in any judicial activism other than exercising my right to vote.

14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I would gladly be involved in seminars as a speaker in order to assist educating lawyers about courtroom procedures and the current state of the law, and would be happy to write articles or to assist the Bar in any other manner in helping educate lawyers.

15. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

I do not feel that the pressure of serving as a judge has strained my personal relationships. My wife and my children are very much in favor of my being the Master-in-Equity. They have supported me this past year and will continue to support me in the future.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

I would make any such financial interest known to all parties and would request whether or not they wish for me to hear the case. The parties might waive any such appearance of impropriety or potential conflict of interest. If one of the parties requests that I recuse myself, I would probably do so depending on all of the circumstances presented at that time.

18. Do you belong to any organizations that discriminate based on race, religion, or gender?

No.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes.

20. What do you feel is the appropriate demeanor for a judge?

I believe that judges should remain as even keeled as possible and should rule over their court on a fair and equal basis. I believe that judges can occasionally be too serious and sometimes not serious enough in court. I try and strike an appropriate and even balance between the seriousness of court and the fact that funny things do occasionally occur in the courtroom. I try and avoid anger at all costs, and if I felt that I was getting angry for any reason, I would declare a recess so that I could make sure that I was not making rulings based on the fact that I may be angry at someone in the courtroom.

21. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?

I believe that the rules for appropriate demeanor for a judge apply seven days a week, twenty-four hours a day. Quite frankly, I have always tried to act this way even as a lawyer.

22. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

I believe that anger is never an appropriate emotion for a judge to have while making rulings in court. As I previously indicated, if I felt I was getting angry, I would declare a brief recess in order to compose myself before proceeding further with court. Because I believe that anger is not appropriate for a judge, I do believe that I could compose myself fairly quickly in all such situations.

23. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?

I have spent no money on my campaign to this point in time, and I do not expect to spend any money.

24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?

No.

25. Have you sought or received the pledge of any legislator prior to this date?

No.

26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

No.

27. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

No.

28. Have you contacted any members of the Judicial Merit Selection Commission?

No.

29. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?

Yes.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/ James Jackson

Sworn to before me this 31 day of July, 2014.

JoAnn Hanna

Notary Public for S.C.

My commission expires: November 11, 2017